

2004 WL 5385604 (Md.Cir.Ct.) (Trial Pleading)

Circuit Court of Maryland,

Baltimore City.

Baltimore City County

Judith BERLIN, Plaintiff,

v.

HOME FOR INCURABLES OF BALTIMORE CITY, INC. d/b/a/ Keswick Multi-Med Center, Defendant.

No. 24-C-03-008985.

November 23, 2004.

Amended Complaint

Respectfully submitted, Bruce C. Lamb Date, Attorney for Plaintiff, 2623 Guilford Avenue, Baltimore; MD 21218, (410) 235-4740.

Diana Urick, Attorney for Plaintiff, 1339 East North Avenue, Baltimore, Md. 21213.

Plaintiff Judith Berlin, by her undersigned counsel, and pursuant to [Maryland Rule 2-341\(a\)](#), files this amended complaint. The amended complaint introduces no new facts and does not vary the case in any material respect.

Plaintiff Judith Berlin, by her undersigned counsel, sues Home for Incurables of Baltimore City, Inc., d/b/a Keswick Multi-Care Center, and for cause alleges:

1. Plaintiff Judith Berlin ("Plaintiff") is a resident of Baltimore City, Maryland.
2. Defendant Defendant Home for Incurables of Baltimore City, Inc., d/b/a Keswick Multi-Care Center ("Defendant"), is a Maryland corporation having Baltimore City, Maryland as its principal place of business.
3. Plaintiff was employed as a registered nurse by Defendant from October, 1999, until May 13, 2003.
4. Plaintiff was discharged by Defendant on or about May 13, 2003.
5. Defendant discharged Plaintiff due to Plaintiffs reluctance to administer the chemical restraint Ativan (lorazepam) to an agitated patient.
6. Ativan (lorazepam) is a Schedule IV controlled substance and may not be administered without the approval of a physician (Md. Code Ann. Criminal S 405(b)(25)).
7. In Jane Doe's case, Ativan was prescribed to be administered "as needed."
8. The determination whether Ativan was "needed" or not lay within the professional judgment of the registered nurse charged with the care of Jane Doe.
9. Discharge of a nurse for exercising professional judgment is a violation of public policy and constitutes the tort of wrongful discharge.
10. Policies set forth in a handbook upon which a party reasonably relies imply a covenant of good faith and fair dealing.

11. Plaintiff followed procedures outlined in the handbook issued by her employer at all times.
12. Discharge of Plaintiff violated the implied covenant of good faith and fair dealing.
13. As a direct and proximate result of Defendant's wrongful discharge of Plaintiff, Plaintiff suffered a loss of income.
14. Subsequent to discharging Plaintiff, Defendant alleged by letter to the Maryland Department of Human Resources, as well as to Baltimore City Police, and the state Board of Nursing Supervisors that Plaintiff had engaged in **elder abuse**.
15. **Elder abuse** is a crime under Maryland law and a reportable professional violation.
16. Allegations of crime are libellous *per se*.
17. Defendant acted with knowledge of the falsity of the statements and with the intent to harm Plaintiffs career in publishing these false and defamatory statements about Plaintiff.
18. As a result of the false and defamatory statements published by Defendant, the character and reputation of Plaintiff were harmed, her professional reputation was damaged, and her standing and reputation in the community were impaired.

WHEREFORE, Plaintiff demands, for wrongful discharge twelve thousand, five hundred dollars (\$12,500) in compensatory damages and thirty seven thousand, five hundred dollars (\$37,500) in punitive damages, and for defamation of character fifty thousand dollars (\$50,000) in compensatory damages and one hundred and fifty thousand dollars (\$ 150,000) in punitive damages, plus interest and costs, together with such other and further relief as the Court shall deem appropriate.

Respectfully submitted,

<<signature>>

Bruce C. Lamb Date

Attorney for Plaintiff

2623 Guilford Avenue

Baltimore; MD 21218

(410) 235-4740

11/22/2004

Date

<<signature>>

Diana Urick

Attorney for Plaintiff

1339 East North Avenue

Baltimore, Md. 21213

11/22/04

Date

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